

Clear Form

**FILED**

MAY - 7 2008

UNITED STATES BANKRUPTCY COURT  
SAN FRANCISCO, CA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

08-1404

SHIRLEY V. REMMERT

Plaintiff,

vs.

WASHINGTON MUTUAL ET AL.

Defendant.

CASE NO. 07-3121 IN APPEAL

**APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

(Non-prisoner cases only)

BANKRUPTCY COURT  
ADVERSARIAL CASE

I, SHIRLEY V. REMMERT, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary

1 and wages per month which you received.

2 LAST EMPLOYMENT: NOV. 30, 2004 / \$0.

3

4

5 2. Have you received, within the past twelve (12) months, any money from any of the  
6 following sources:

7 a. Business, Profession or Yes \_\_\_ No ☒  
8 self employment?

9 b. Income from stocks, bonds, Yes \_\_\_ No ☒  
10 or royalties?

11 c. Rent payments? Yes ☒ No \_\_\_

12 d. Pensions, annuities, or Yes \_\_\_ No ☒  
13 life insurance payments?

14 e. Federal or State welfare payments, Yes \_\_\_ No ☒  
15 Social Security or other govern-  
16 ment source?

17 If the answer is "yes" to any of the above, describe each source of money and state the amount  
18 received from each.

19 RENTAL: \$500 per month

20

21 3. Are you married? Yes \_\_\_ No ☒

22 Spouse's Full Name: \_\_\_\_\_

23 Spouse's Place of Employment: \_\_\_\_\_

24 Spouse's Monthly Salary, Wages or Income:

25 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

26 4. a. List amount you contribute to your spouse's support: \$ \_\_\_\_\_

27 b. List the persons other than your spouse who are dependent upon you for support  
28 and indicate how much you contribute toward their support. (NOTE: For minor

children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

5. Do you own or are you buying a home?

TITLE DISPUTE  
Yes ☐ No ☐

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ CIV 438208 Superior Ct

6. Do you own an automobile?

Yes ☒ No ☐

Make TOYOTA Year 02 Model TACOMA

Is it financed? Yes ☐ No ☒ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ 0

7. Do you have a bank account? Yes ☒ No ☐ (Do not include account numbers.)

Name(s) and address(es) of bank: WASH MUTUAL, SANTA CRUZ  
AVE, MENLO PARK CA 94025

Present balance(s): \$ 300.

Do you own any cash? Yes ☐ No ☒ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.)

Yes ☐ No ☒

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 200

Food: \$ 300 Clothing: 0

Charge Accounts: NONE

Name of Account	Monthly Payment	Total Owed on This Account
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

\$ 1.3 MILLION IN

BANKRUPTCY COURT

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ☒ No ☐

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

CIV 438208 La p. 3 On appeal  
# 07-3121 IS RELATED TO 07-31336 TEL 13

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

DATE

SIGNATURE OF APPLICANT

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Gloria L. Franklin  
Clerk of Court

San Francisco Bankruptcy Court  
235 Pine St.  
P.O. Box 7341  
San Francisco, CA 94120-7341

(415) 268-2300

Richard W. Wieking, Clerk  
United States District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

**FILED**

**MAY - 8 2008**

UNITED STATES BANKRUPTCY COURT  
SAN FRANCISCO, CA

Re: *Shirley V. Remmert, debtor*  
*Shirley V. Remmert, plaintiff*

Re: *BK 07-31336 TC*  
*AP 07-3121 TC*


*District Court 08-01404 CW*

*Washington Mutual Bank et al*  
*defendants*

**RECEIVED**

**MAY 9 2008**

Dear Mr. Wieking:

  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

[X ] Enclosed please find the Application to proceed in forma pauperis. Appeal pending in BAP.  
This application to proceed in informa pauperis is for the adversary appeal case 07-3121 TC.

Gloria L. Franklin, Clerk  
United States Bankruptcy Court

Dated: May 8, 2008

By: ANNA CHO-WONG  
Deputy Clerk Anna Cho-Wong



Office of the Clerk  
United States Bankruptcy Court, Northern District of California  
San Francisco Division

Gloria L. Franklin,  
Clerk of Court  
P.O. Box 7341  
San Francisco, CA 94120-7341  
Phone: (415) 268-2300

Elizabeth Lucero,  
Division Office Manager  
235 Pine Street, 19<sup>th</sup> Floor  
San Francisco, CA 94104  
Phone: (415) 268-2300

March 27, 2008

United States District Court  
Northern District of California  
450 Golden Gate Ave., 16<sup>th</sup> Floor  
San Francisco, CA 94102

**FILED**  
MAR 27 2008  
UNITED STATES BANKRUPTCY COURT  
SAN FRANCISCO, CA

Re: Shirley Venosa Remmert, Bankruptcy Case No. 07-31336TEC, CV08-1404 CW

Dear Clerk:

On March 24, 2008, our court received from the United States District Court the following documents pursuant to Judge Wilken's court order dated March 20, 2008 (order attached):

- Debtor's Notice of Appeal of Order from Bankruptcy Court re: dismissal of case for failure to submit plan payments.
- Application to Proceed In Forma Pauperis

The Debtor's Notice of Appeal of Order from Bankruptcy Court re: dismissal of case for failure to submit plan payments will be properly submitted to the Bankruptcy Appellant Panel because the appellant did not file an election to have the appeal heard by the United States District Court pursuant to 28 U.S.C. §158 (c).


We are returning to the District Court the Appellant's Application to Proceed In Forma Pauperis. The Court of Appeals for the Ninth Circuit has held that bankruptcy courts lack the authority to waive prepayment of filing fees under 28 U.S.C. §1915(a). *Perroton v. Gray* (In re *Perroton*), 958 F.2d 889 (9<sup>th</sup> Cir. 1992) and *Determan v. Sandoval* (In re *Sandoval*), 186 B.R. 490, 496 (9<sup>th</sup> Cir. BAP 1995). A copy of this letter is concurrently being forwarded to the Bankruptcy Appellate Panel, so that they are aware of the pending application.

If you have any questions, please contact Anna Cho-Wong at 415-268-2388.

Thank you.

Sincerely,

Gloria L. Franklin  
Clerk of Court

By:   
Anna Cho-Wong  
Case Management Analyst

attachment (2)

cc: Harold S. Marenus, BAP Clerk  
Bankruptcy Appellate Panel